UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,259	10/29/2001	Tucker L. Smith	9696	2587

7590   12/11/2006

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ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 October 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-24 have been examined. Application 10/008,259 (SYSTEM AND

METHOD FOR PROFILING DIFFERENT USERS HAVING A COMMON COMPUTER

IDENTIFIER) has a filing date 10/29/2001.

Response to Amendment

2.   In response to Non Final Rejection filed 06/30/2006, the Applicant filed an

Amendment on 10/03/2006, which amended claims 1, 5-7, 12, 13 and 16-21.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 13 recites "the user terminal activity data". It is not clear

if "user terminal activity data" and "the user activity data" are the same terms. For

purpose of art rejection, the Examiner would assume that said terms are the same.

Claim 13 recites the limitation "the user terminal activity data". There is

insufficient antecedent basis for this limitation in the claim.

Claim Objections

4.   Claim 19 is objected to because of it recites "the method of claim 16" when the

claim 19 filed 10/29/2001 recited " the method of claim 13". For purpose of art rejection,

claim 19 would be made dependent of claim 16 as recited in the amended claim. The

Applicant needs to clarify this issue in his next response.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by <u>Blasko</u>

(US 2001/0049620).

As per claim 13, <u>Blasko</u> teaches:

A method for profiling different users having a common terminal identifier

comprising:

storing user profile histories in a memory, each user profile history being stored

in association with a key (see paragraphs 129-130).

receiving user activity data at a server from clients over a computer network (see

paragraph 150);

receiving user activity data from the server (see paragraphs 50-53);

extracting profile data from the user terminal activity data (see paragraph 96);

searching the user activity data for key data that identifies one of a user terminal

and a user account (see paragraphs 133, 113 "random ID or MAC-ID"; paragraph 53

"profile ID"; paragraph 66 "social security number"; paragraph 116 "profile vectors may

be tracked by virtual identifiers such as a random ID and this ID may act as a profile

vector identifier");

determining whether the *key data located in the user activity data corresponds to*

a key stored in the memory (see paragraph 52 "profile vector having a transaction ID

may be compared against previously store profile vectors to determine suitable

advertisements"); and

generating a *user identifier key and a user* profile history from the *extracted*

profile data in response to the *extracted profile data failing to correlate to the user profile*

history stored in the memory in association with the key stored in the memory and

storing the generated user profile history in association with the generated user

identifier key and the key stored in the memory. Blasko teaches creating transaction

profile vectors based on or more actions in a transaction and transmitting said vectors to

a correlation server, which stores them along with specific profile vectors, wherein

profile ID are used to correlate said vectors with previously stored vectors (see

paragraphs 77-78).

As per claim 14, Blasko teaches:

The method of claim 13 wherein the profile data is extracted from session data

(see paragraph 96).

As per claim 15, Blasko teaches:

The method of claim 13 wherein the profile data is extracted from browse period

data (see paragraphs 96 and 117).

As per claim 16, Blasko teaches:

The method of claim 13 the determination that *the key data corresponds to a key stored in the memory* includes: comparing of a site identifier and a resource identifier in the *extracted* profile data with the site identifiers and resource identifiers *in profile histories stored* in the memory (see paragraphs 117, 160) .

As per claim 17, <u>Blasko</u> teaches:

The method of claim 16, *the comparison of the site identifier and the resource identifier to site identifiers and resource identifiers in user profile histories* further comprising:

detecting a low level of correspondence between the site identifier and the resource identifier of the *extracted* profile data and any site identifiers and resource identifiers in *the user* profile history *stored in the memory in association* with *the key* (see paragraphs 130-131).

As per claim 18, <u>Blasko</u> teaches:

The method of claim 16 wherein the profile data extraction extracts metadata associated with the site identifier and the resource identifier (see paragraph 117).

As per claim 19, <u>Blasko</u> teaches:

The method of claim 16 further comprising:

identifying a user at a terminal *that generated user activity received by the server* by determining which one of at least two profile histories associated with *a key stored in the memory* corresponds with the *extracted* profile data and selecting an advertising file for transmission to the terminal, the selected advertising file corresponding to the identified user (see paragraph 87, 130).

As per claim 20, <u>Blasko</u> teaches:

The method of claim 16 wherein the comparison of *site* identifiers in the *extracted* profile data and the *user* profile histories *stored in the memory* compares cookies (see paragraphs 92 and 96).

As per claim 21, <u>Blasko</u> teaches:

The method of claim 16 wherein the comparison of *site* identifiers in the *extracted* profile data and the *user* profile histories *stored in the memory* compares Internet Protocol (IP) addresses (see paragraph 96).

As per claim 22, <u>Blasko</u> teaches:

The method of claim 18 wherein the profile data extraction extracts a subscriber identifier that identifies a subscriber site on a cable television network (see paragraphs 104-105).

As per claim 23, <u>Blasko</u> teaches:

The method of claim 22 wherein the profile data extraction extracts a tuned channel identifier and metadata, the tuned channel identifier identifying a transmission channel to which a receiver is turned at the identified subscriber site and the metadata identifies program content on the tuned channel (see paragraphs 104, 105, 121, 150).

As per claim 24, <u>Blasko</u> teaches:

The method of claim 23 further comprising:

identifying a user at the subscriber site by determining which one of at least two profile histories associated with the subscriber site corresponds with the profile data (see paragraph 114) and selecting an advertising file for transmission to the subscriber

site, the selected advertising file corresponding to the identified user (see paragraph 150) .

Claims 1-12 are system claims which contains the same limitations as claims 13-24.

Response to Arguments

6. Applicant's arguments filed 10/03/2006 have been fully considered but they are not persuasive. The Applicant argues that Blasko does not teach differentiating between users who share a terminal based upon comparison of user activity data to the content of a profile history stored in association with the terminal. The Examiner answers that Blasko teaches a system that targets advertisements to users, where said users are not required to, but may optionally, provide private information for the generation of profile vectors and the profile vectors may be tracked by virtual identifiers, e.g. random ID, not relating to his personal information and this ID may act as a profile vector identifier (see paragraph 116). Blasko uses one or more pieces of deterministic information identifying user's identity from the profile vector ID, such as terminal ID (i.e. MAC ID), account information (i.e. social security number), internet traffic and television viewing (see figure 3, paragraphs 66-67) or alternatively only a random ID. If one or more deterministic features are present, an evaluator correlates the user identification from the current profile vector with previously stored profile vectors in order to identify the user's preferences and interests and thus assist in providing one or more customized/personalized incentive to the user (see paragraphs 129-130). Therefore, contrary to Applicant's argument, Blasko differentiates between users who share a

terminal because <u>Blasko</u> identifies users of terminals based upon said users' activity data (*i.e.* internet traffic or television viewing) based upon comparison of a particular user's current profile vector attributes to the content of previously stored user profile history attributes, where said attributes include deterministic features such as terminal ID, user's account (*i.e.* social security), internet surfing (i.e. URLs visited), television viewing; see paragraph 66-67; figure 3).

The Applicant argues that <u>Blasko</u> does not teach a comparison of extracted profile data to stored profile data to determine whether a profile history and a key related to a stored key are generated and that <u>Blasko</u> does not compare extracted profile data to a user profile history stored in memory. The Examiner answers that <u>Blasko</u> teaches correlating a user's identification (i.e. profile ID) with previously stored profile vector information in order to identify the user's preference and interest and thus assist in providing one or more customized/personalized incentive offers to said user (see paragraph 130). Therefore, contrary to Applicant's argument, <u>Blasko</u> teaches Applicant's claimed invention.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Herz</u> (US 5,758,257 teaches a system that recognize a particular profile as belonging to a particular viewer obviating the need to input user's Ids.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-

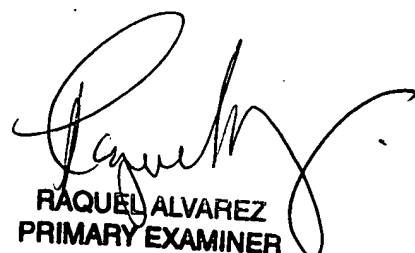6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax

number is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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DL

Daniel Lastra
November 27, 2006

RAQUEL ALVAREZ
PRIMARY EXAMINER